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August 30, 2024

VIA ECF

The Honorable Lorna G. Schofield
United State District Court
Southern District of New York
500 Pearl Street, Room 1660
New York, NY 10007

Re: Vinci Brands LLC v. Kate Spade New York LLC, et al., Case No. 23-cv-05138;
Letter Motion to Seal

Dear Judge Schofield:

Pursuant to Your Honor's Individual Rule I.D.3., ACS Group Acquisitions LLC ("ACS") respectfully requests that its Answer with Counterclaims (the "Counterclaims") be provisionally filed in redacted form, while the unredacted Counterclaims are filed under seal. On February 7, 2024, this Court so ordered the Stipulation And Confidentiality Agreement And Order And Stipulated Electronically Stored Information Protocol (the "Protective Order") (Dkt. #233). A number of the allegations included in ACS's Counterclaims contain information that was designated as Confidential either by Coach Services, Inc. and Kate Spade LLC ("KSNY") or Case-Mate, Inc. ("Case-Mate"). ACS does not consider these allegations, nor the document discovery or testimony that they are based upon, to be Confidential; however, it makes this letter motion to be consistent with the Protective Order.

"The party seeking to file a document under seal bears the burden of demonstrating that sealing is warranted." *Collado v. City of New York*, 193 F.Supp.3d 286, 289 (S.D.N.Y. 2016) citing *DiRussa v. Dean Witter Reynolds, Inc.*, 121 F.3d 818, 826 (2d Cir. 1997). Accordingly, and pursuant to the Protective Order, ACS requests that the Counterclaims be filed in redacted form, and the unredacted Counterclaims filed under seal, until KSNY and Case-Mate have had an opportunity to move to seal. Attached as an exhibit hereto is the redacted Counterclaims. A highlighted version of the Counterclaims will be filed separately under seal. We note that all counsel of record should have access to the unredacted Counterclaims.

We thank the Court for its continued assistance in this matter.

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Respectfully Submitted,



Robert A. Giacovas

Counsel for ACS Group Acquisitions, LLC

MEMO ENDORSED



HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

DATED: September 4, 2024

The temporary seal request is granted. The Clerk of Court is directed to maintain the viewing restrictions on ECF No. 491 until September 18, 2024. If Coach Services, KSNY and/or Case-Mate desire to seal that information permanently, it should submit by September 17, 2024, a letter explaining the grounds that support sealing, consistent with Lugosch v. Pyramid Co. of Onondaga, 435 F. 3d 110 (2d Cir. 2006). The Clerk of Court is respectfully directed to terminate the motion at ECF No. 490.